III MILE.

1. Earthwork cutting the high ground and widening roadway.
2. Opening new side drain $2' \times \frac{1}{2}'$
3. Sectioning and forming road to a clear width of 12 feet.

IV MILE

1. Earthwork cutting the high ground and widening the roadway, etc.
2. Earthwork raising embankment in *yelah* portion from 430 to 970 to an average of 300' lead.
3. Opening new side drain.
4. Cutting and easing cross drain.
5 (a) Providing R. C. pipe sluice double line at 450.
   (b) do. do. single line.
6. Sectioning and forming roadway.
7. Gravelling roadway in embankment portion.

LEGISLATIVE BUSINESS.

THE TRAVANCORE HINDU WIDOWS' REMARRIAGE BILL.

SRIMATI T. NARAYANI AMMA (*Nominated*) : I rise to introduce the Travancore Hindu Widows' Remarriage Bill. Copies of the Bill, together with a Statement of Objects and Reasons, have been circulated among the members. I beg to move that the Bill be read in the Assembly.

MISS HEPZIBAH GANASIKAMONY (*Nominated*) :I Second it.

SRIMATI T. NARAYANI AMMA (*Nominated*) : I shall now briefly explain the principles underlying the Bill. The object of the Bill, as stated in the Statement of Objects and Reasons, is to remove all legal obstacles against the remarriage of Hindu widows in Travancore. I am emphatically of opinion, Sir, that though in Travancore, the proportion of widows to the total number of females is less than in other parts of India, it is large enough to merit notice. According to the Census Report, there are 119 widows for every 1000 women as against 155 in India. The comparatively low proportion of widows in Travancore, is, no doubt due to the fact that widow remarriage is not prohibited among the bulk of the population in this State. But there *are* several communities among whom early marriage is common and widow remarriage is prohibited. Whether the number of such widows in those communities is small or large, the ban on the remarriage of widows is undoubtedly a source of considerable social evil. In the Statement of Objects and Reasons, I have quoted the views of the Census Commissioner for India. It is with the object of preventing such social evils and bettering, by a purely permissive legislation, the lot of many a young widow, that my Bill is drafted.

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The Bill is generally on the lines of Act XV of 1856. But I have made a slight change. By Section 2 of Act XV of 1856, the remarriage of a Hindu widow brings about her civil death so far as her deceased husband's estate is concerned. That, I consider, is a very harsh provision and I have dropped it in my Bill,—a change which, as I have said in my Statement of Objects and Reasons, accords both with reason and the law of our State.

In conclusion I wish to emphasise the fact that the Bill is a purely permissive measure the aim being the removal of legal obstacle to the remarriage of Hindu widows in Travancore, and the legitimising of the children born of such wedlock. It does not at all affect the freedom of any woman who, after the death of her husband, chooses to remain a widow.

Under these circumstances, I fully trust that the House will unanimously support the principle of the Bill.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): What is the community to which the large number of widows in the country belong?

SRIMATI T. NARAYANI AMMA (*Nominated*): Brahmins.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether there has been any demand from the Brahmin community for a Bill of this kind?

SRIMATI T. NARAYNI AMMA (*Nominated*): Yes, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know the number of widows in the State? (*Laughter.*)

SRIMATI T. NARAYANI AMMA (*Nominated*): The honourable member may refer to the Census Report. (*Continued Laughter*).

MR. S. J. NAIR (*Nedumangad*): Sir, I oppose the principle of this Bill. I shall not be misunderstood by the honourable members of this House, or by anybody outside, while I stand up and oppose the principle of this Bill. I am against child marriage; and I am also for the introduction and encouragement of widow remarriage. But my point is that this Bill has been introduced in this House only as a result of mere imitation.

In Travancore, Sir, the major Hindu communities are the Nayar community and the Ezhava community. So far as these two communities are concerned, there is no restriction against widow remarriage; and widow remarriage *is* taking place daily as a result of custom or usage. There is absolutely no bar against the widows of the Ezhava and the Nair communities getting remarried.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether there is not an odium attached to widow remarriage even in those communities?

MR. S. J. NAIR (*Nedumangad*): Absolutely none. I can assure the honourable member about that.

The other important Hindu community is the Vellala community. So far as the Vellalas who reside in Central Travancore, espicially in

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Mr. S. J. Nair.

the Nedumangad and the Chirayinkil taluks—I have personal knowledge about them—widow remarriage among them is taking place daily. (*Laughter.*) I know instances.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know the number of widows in the Chirayinkil taluk?

MR. S. J. NAIR (*Nedumangad*): My friend may refer to the Census Report. (*Laughter.*)

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is the honourable member referring to *Makkavazhi* or to *Marumakkavazhi* Vellalas?

MR. S. J. NAIR (*Nedumangad*): I am referring to the *Makkavazhi* as well as to the *Marumakkavazhi* Vellalas in the Nedumangad taluk.

With regard to the Kshatriyas, Sir, there is absolutely no bar against widow remarriage.

Coming to the Brahmins, even amongst them, widow remarriages do take place in certain places.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): Where?

MR. S. J. NAIR (*Nedumangad*): Among Pottis, who are Malayali Brahmins. Sir, they are very orthodox and conservative Brahmins. I know of instances of widow remarriage among the Malayali Brahmins. Not only that the enlightened and modern educated leaders and ladies in the community support, approve and advocate the widow remarriage amongst them, and even without any law they conduct widow remarriages without much opposition.

PRESIDENT: Although we all know the readiness and resourcefulness of Mr. S. J. Nair, I think, it would be conducive to the convenience of debate if even he is not embarrassed with a multiplicity of questions. (*Laughter*).

MR. S. J. NAIR (*Nedumangad*): Sir, my point is that there is only a microscopic minority, which can be counted on our fingers ends amongst whom there is a ban against widow remarriage. Among the vast majority of Hindu communities in Travancore, widow remarriage has been in vogue from time immemorial. There is, therefore, no necessity for this Bill. Legislative enactment would be justified only when any evil practice or custom is in the increase and not when it is in the decrease. Now the civil bar against remarriage of widows in the Hindu community is slowly and steadily dying out. In course of time, as a result of the advancement of modern theories and thought on the question of marriage, the prevailing evil that is slowly dying out would completely vanish for the good of the country and of the community amongst whom the evil exists.

Further Sir, if we have a legislation of this kind in our Statute Book, what will the people outside think of the conditions here? It is true that the prohibition of widow remarriage is recognised as a social evil. The people outside will think that that evil is so widespread in

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Travancore as to necessitate a legislation of this sort. But as a matter of fact we all know, Sir, that, in Travancore and in Malabar, there is absolutely no bar against widow remarriage, so far as the vast majority of the people in the Hindu society are concerned.

And then, Sir, there must be men to marry all these widows. (*Continued laughter.*) Sir, I shall explain my position. Among the Malayali Brahmins, in each family, only the eldest male member can marry from his own community so that most of the women in that community remain perpectual maidens. So, when there are not enough men to marry even these maidens, certainly it will not be possible to get men to marry these widows. (*Laughter.*)

MR. P. C. KURIYAN (*Kottayam I*): Is it the duty of this House to find husbands for widows?

MR. S. J. NAIR (*Nedumangad*): Am I to answer it, Sir?

PRESIDENT: If he chooses, he can answer any question.

MR. S. J. NAIR. (*Nedumangad*): My humble opinion is that that question is not relevant to my present point; therefore I refrain from answering it.

Sir, Let me quote some figures from the report of the Travancore Census of 1931. Out of 6,17,939 persons in the State between 10 and 15 years of age, there are only, 585 widowed persons, widows and widowers together.

PRESIDENT: The honourable member will realise that it is the Hindu Widows' Remarriage Bill that is now before the House, and not any Bill about the widowers.

MR. S. J. NAIR (*Nedumangad*): I will come to that, Sir.

Out of 6,17,939 persons in the State, belonging to all communities and races and religon, there are only 585 widowed persons. Out of this seventy six are males and 509 are females. This number includes all widows and widowers in the State, irrespective of caste and religion whereas the number of Hindu widows in this would be comparatively, very few.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): If the figures given by the honourable member is correct I should like to know how he can assert that widow marriages are taking place daily.

MR. S. J. NAIR (*Nedumangad*): This number, 585, is out of a total population of 6 lakhs. It is a matter of inference. Otherwise the number of widows would have mounted up in their numerical strength in the Census Report.

With regard to persons between 15 and 20, the total population is 8 lakhs. Out of this, the number of widowed persons is 6212, consisting of 1123 males and 5089 females. So, Sir, the figures and the existing custom among the major Hindu community in the State do not warrant the bringing in of a Bill of this kind.

Not only that; this Bill is an insult to the enlightenment of the major Hindu community of the State. This will not serve any purpose to them. For we know that widowers number only about 1123 between the ages of 15 and 20. Why do they remain widowers? Not

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[Mr. S. J. Nair.]

that they were not able to get wives. Wives they can get at any time. The trouble is not in the scarcity of women or in the difficulty of getting proper and suitable wives. The trouble and difficulty lies elsewhere. Due to various reasons, chiefly economic, they were not able to marry again. Because marriage begets not only children but exacting burden and responsibility. The ordinary man is incapable of shouldering this heavy burden and hence the reluctance to marry and the presence of maidens and widows. Such being the case what good would come out of passing such a legislation as this? We could not compel all the males to get themselves married. If this Bill had been passed in Germany today I can understand it.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Is not this legislation permissive?

MR. S. J. NAIR (*Nedumangad*): Yes, it is so. This would be simply adding one more law to our Statue Book. It may not serve any useful purpose. Even though I agree with the principle of abolishing the most sinful custom of preventing widows from re-marrying, since this Bill is not warranted by the conditions in Travancore, I oppose it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to support the principle of the Bill. My honourable friend, Mr. S. J. Nair, quoted figures from the census report of 1931 and said that there is only a small number of widows and that widow remarriage is allowed among the major Hindu Communities in the State and that therefore there is no necessity for such a legislation here and that it is derogatory to the good name of the State to introduce this Bill. He also pointed out that even if remarriage of widows is allowed there may not be sufficient number of men to marry widows.

Sir, when I heard Mr. S. J. Nair, I thought he was blowing hot and cold in the same breath. For he applauded the fact that there is no restriction on widow remarriage generally, and that widows are being "married every day" in the Nedumangad and Chirayinkil taluks. If that be the case I cannot understand why he is arguing against the small number of widows getting the freedom to marry. From the very testimony given by Mr. Nair, it will be clear that the small number of widows might get their husbands if a law like this is passed removing the ban. He need not be anxious about that.

The question is an important one. The question is, 'are you going to keep up an infringment on the freedom of marriage of any set of people who are competent to marry?' That is the question that has to be considered. If that question is considered, then nobody will seriously contest the reasonableness of the proposition that everybody should have the liberty to contract a marriage if he or she so desires. Mr. Nair quoted certain figures and from these figures one thing was very clear. The number of widowers was very small. Why is it? It is because most of the men had the freedom to marry again even though they became widowers. What is asked for in this Bill is only

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to give the same liberty and freedom to women as well. I do not think, Mr. Nair who boasts on the liberty of widow marriage with regard to the major communities will, on principle, object to the giving of freedom to a small set of people? The removal of a restriction becomes justifiable not because of the number of people that have to be satisfied but because of the intrinsic merit of giving freedom to everyone. Is it a proper thing? That is the only question to ask. Sir, we are not at present concerned with the availability of husbands for widows. The Bill does not ask for precipitating the marriage of widows; it only asks for removing the ban on the marriage of widows. Why cannot you do that? Let them compete in the marriage market with other women. I do not think Mr. Nair will seriously object to that. I was not able to find any substantial reason brought forward against the principle of this Bill.

The Statement of Objects and Reasons shows that the Bill follows very closely the British Indian Act XV of 1856. The only improvement is with regard to Clause 5 which is a reasonable one and in accordance with the rulings of our High Court. The various clauses can be considered in the Select Committee and necessary changes can be adopted if a case is made out for any change.

The only question for consideration is, whatever be the number of those persons, whether the ban on them for remarriage should be removed or not. I do not think any civilised person will come forward to oppose this beneficient measure, the principle of which has been applauded by every civilised human being and every reformer In India. I hope this House will unanimously accept the principles of this Bill.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Sir, I wish to——

PRESIDENT: Will the honourable member kindly speak up?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): As one belonging to a community to which this ban applies, I may be permitted to point out that there are two classes of Vellalas in this State known as the *Makkathayee* Vellalas and the *Marumakkathayee* Vellalas. In order to remove any misapprehension which might prevail among anybody, I may be permitted to say that the honourable lady who brought this Bill belongs to a community where there is no ban on the marriage of widows. As a matter of fact widow marriage was in existence among Nanjinad Vellalas even before the Vellala Regulation came into force. It is for the benefit of the people of the small minority community to which I belong that this Bill has been introduced. I do not think that anybody in an enlightend country like Travancore will oppose this Bill.

MR. A. THANU PILLAI (*Trivandrum – Rural*): I wish to put a question to the member. According to the existing law the widow will be entitled only to the possession of property as a limited owner. Does the member want her to possess only that right?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): I will go further and say that she must be given the fullest right.

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MR. A. EASWARA PILLAI (*Kalkulam II*): Sir, I support the principle of the Bill. I welcome this piece of social legislation and thank the honourable lady member for introducing this Bill in Travancore though late. As pointed out by Mr. Chidambaram Pillai there are very many communities among whom this ban exists in Travancore. I belong to one of those communities wherein early marriage is compulsory and widow remarriage is not prevalent. Social reformers find it extremely difficult since there is no legal sanction for the remarriage of widows. Being a permissive measure I don't think that there will be any opposition to this bill to remove legal obstacles and the legitimising of the issues born after remarriage.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to support the principles of this Bill. The only member who opposed the Bill, I mean Mr. S. Nair, has not pointed out any valid objection to the introduction of such a valuable measure. The question was raised by a member whether there is any demand from the Brahmin community for such a Bill. Sir, to me it seems that if there is any community which needs the benefits of such a bill it is the Brahmin community more than any other; for it is in that community that pre-puberty marriage are made compulsory. We find in the community widows of the ages of 12, 13 and 15. Is it not cruel to compel such innocent children, as I would call them, to refrain from marriage in the real sense of the word and spend all their lives in the monotony of unmarried or widowed solitude.

My friend, Mr. S. J. Nair, feared that this measure is intended to effect a revolution in this country. He said he would not be surprised if such a measure is passed in Germany or in Italy.

MR. S. J. NAIR (*Nedumangad*): I never feared that there will be any sort of revolution. All that I said was that such a Bill is quite unnecessary for our State.

MR. K. R. ELENKATH (*Kalkulam I*): I fear that my friend seems to have forgotten that this Bill is but a piece of permissive legislation. This measure will only take away the ban on the widows who remarry by removing all legal disabilities which they are at present subject to. There have been instances where parents have given their widowed daughters in marriage against unpleasent opposition. In South Travancore I know a leading member of the Chetti community who dared to give his widowed daughter in marriage to a decent and well-to-do young man in spite of public opinion. He did it in the face of social ostracism. I only want that such marriages should be legalised.

MR. S. J. NAIR (*Nedumangad*): May I know whether that prominent Chetti survived that social ostracism or not?

MR. K. R. ELENKATH (*Kalkulam I*): He did survive it. He got support from the people among whom he lived and the younger generation of his own community, although the members of his community in general did not support him. I think that some of the clauses in the Bill needs alterations and improvements. There are a few objectionable clauses also, but I do not propose to speak on them now. The

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select committee can discuss the Bill in detail and come to a satisfactory conclusion in respect of those clauses. With these words, I support the general principles underlying the Bill.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Pattanapuram cum Kunnattur*): I have very great pleasure in supporting the motion before the House. Mr. S. J. Nair in opposing the principle of the Bill stated that such a Bill is quite unnecessary. Mr. S. J. Nair's reason is that remarriage of widows is very common in Travancore. If that statement is true it is all the more necessary that such marriages should be legalised by a legislative enactment. It is a misnomer to call the marriages at present as marriages. They are not marriages but concubinage. These remarriages should be legalised, for otherwise the children born of such marriages will be illegitimate and no legal rights would flow from such marriages. I would therefore for the very reason on which Mr. S. J. Nair opposed the motion, support it.

Another reason pointed out in this connection was that the number of people who would be affected by this law is very small. I submit that is no reason at all for opposing a measure of the kind. The other day this Assembly passed a law for the Kshatriyas of Travancore. They number only about 700. That being the case, even though the number that will be affected is few, legislation, if necessary may be undertaken. Even if their number is few it is the bounden duty of the Legislature to pass a law which is beneficent and necessary. There is a similar law in British India and I do not see why we also should not follow the example of British India in this respect. For these reasons I heartly support the principle of the Bill.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I also support the principle of the Bill. The status of Hindu widows in societies and the incidence of the widows' estate in Hindu law are the main topics that confront the Hindu lawyers. Many of the enlightened Hindu lawyers and social reformers have made certain inroads into the orthodox conception of the Hindu widows' estate.

According to the old lawyers there were three ways in which a Hindu widow was to end her life or spend her after-life as the case may be. The first stage was in relation to *satism*, i. e., cremation of wife with the dead husband. For a very long time this cruel practice was in vogue. Later on it was made penal and completely abolished. Then the next stage of a Hindu widow is to lead the life of an ascetic. She is to spend her life in asceticism. It is that practise which prevails in the higher circles of a Hindu society. In the lower strata of the society remarriage is allowed. Some of the law writers in Hindu Law have allowed remarriage. One of the writers Narada has imposed five conditions in regard to the remarriage. If the whereabouts of a husband are not heard of for some time or if the husband is alleged to be dead or if he becomes impotent and things of the kind, even the most orthodox view of the Hindu Law is that such a female can resort to remarriage. Hindu remarriage is not against even the orthodox principles of the Hindu Law.

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[Mr. R. Sivaraman Nair.]

There is the question of divesting the property of the estate of a widow when she gets herself remarried. That is one of the changes made in the Bill. In British India the rule that is prevalent is that as soon as a widow gets herself remarried she will lose all her interest in her first husband's property. She ceases to have a right of maintenance under the Hindu Law. Some of the High Courts in British India have held that the interest of the widow in an estate of the deceased husband will cease as soon as she remarries. This is the trend of decisions of the majority of the High Courts in British India. In Madras from I Madras onwards this is the trend of the decisions. It goes on the analogy that a wife is the part and parcel of the husband and so when the husband is dead, the wife that is living gets a right in the estate of the deceased husband; but soon after remarriage she ceases to be a 'part' of the deceased husband and then she loses all her rights in the estate of the deceased man. This is the course of reasoning in 1 Madras. But our High Court has dissented from this view. Our High Court after reviewing the British Indian cases refused to follow the I Madras case and the other British Indian cases as they are against the principles of justice and equity. The variation in this respect made by the mover of the Bill is not at variance with the rulings in our High Court, though the British Indian law is different. Nor is it against the principles of justice and equity. With these observations I support the principle of this Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I am at one with all my friends who supported the principle of the Bill. It should not be forgotten that there are special attractions so far as the present Bill is concerned. The Widow Re-marriage Act of 1856 has been in operation in British India for the last 80 years. The mover of the Bill herself stated that in spite of the Bill the percentage of widows obtaining in British India is more than the percentage of widows obtaining in this country. Why is it that the Widows Re-marriage Act of 1856 has not been able to check the growth in the number of the widows in British India? Why is it that the orthodox Hindus have not taken to the privileges conferred by this course of legislation that was enacted so early as 1856? It must be because that legislation contained some inherent defects. Of course in the first place it gives liberty to the individual to enter into marital alliance. But it does not deprive the evil effects that follow from such a union. The property that is vested in the widow after her husband's death is automatically taken away the moment she gets herself remarried. As Mr. Changanachery Parameswaran Pillai pointed out if such marriages are not legalised they will be called concubinage. The mover concedes that even in spite of the existence of the Act the widow's position has not improved to any appreciable extent. We are of course ahead of the times. We are liberal-minded in the matter of conferring privileges and liberties on individuals. We are ready to remove the disabilities wherever they exist.

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But I am afraid the mover of the Bill has not kept in view certain principles which the Bill would come into conflict with. I would like to point out one or two instances of that. In the matter of giving individual liberty in marriage to widows no civilized person will raise any reasonable objection. Clause 1 is unobjectionable. I have to say a word about Clause 4.

Clause 4 reads thus :

"A widow who has not completed her sixteenth year and whose previous marriage has not been consummated shall not re-marry without the consent of her guardian, *viz.*, her father, her mother, or her next male relative.

The consent of the guardian shall be presumed until the contrary is proved.

In the case of a widow who has completed her 16th year, or whose previous marriage has been consummated, her own consent shall be sufficient to constitute her remarriage lawful and valid."

I submit that this Clause makes a large innovation in the law of guardianship because the mover says that when a widow who has not completed her sixteenth year marries even without the consent of the guardian the presumption is that the marriage is with the consent. That, I submit, cannot be permitted. Any presumption accorded by law shall be when we deal with the case of girls of mature age.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If the marriage takes place, is it not accepted as a fact accomplished ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, in the case of persons who are legally able to contract a marriage. If it is made applicable in the case of a widow who has completed her 16th year, then I can understand that. Ordinarily when does a girl attain puberty ? I find from the Census Commissioner's report and from books dealing with sexual science that the ordinary age is 12. If therefore a girl who has been married much earlier than 12 and the husband dies a few months after consummation, say in her 12th year, it would appear that the mover of the Bill wants to confer liberty on the girl to contract a second marriage. Does it not go against the rights and privileges enjoyed by the guardians who are responsible for the maintenance and education of these girls. The mere fact that the parents granted permission for her to consumate the marriage appears to confer upon her the right to enter into any sort of marriage. No country has recognised the effect of consummation as a right to enter into a legal marriage contract. I submit, it will certainly inflict some of the fundamental principles recognised by this State. We find that the age of marriage under the Nayar Regulation, the Ezhava Regulation, the Vellala Regulation and the Christian Succession Regulation is fixed at 16. The consummation has never been treated as confering a right upon a girl to enter into any matrimonial alliance.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then with whose consent should such a girl marry ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): She may marry with anybody's consent. The fact of consummation should not confer upon her the right to enter into a marriage.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): According to the member who is the guardian that shall give such right? Is it her father, mother, brothers or anybody else?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I did not consider that question in the aspect in which the learned Law Member has considered it. In the Bill it is stated, "her father, her mother, or her next male relative." Naturally it is the father who is considered to be the legal guardian of the daughter. In the absence of the father, it is the mother, then the next male relative and so on. I am not concerned with the class entitled to guardianship. But I am concerned with the right of the girl who has been able to consummate to enter into a marriage relation. The law relating to marriage of an unmarried girl should be made applicable to the case of a marriage of a widow. The other distinction should not be made. The age of consent should be the same. Otherwise it would bring in great disaster in the family and parents will be put to great difficulties.

The next inroad the learned mover seeks to make is this. The Hindu widow is put on a parallel with the life insurance institutions. Under a life insurance scheme there is no objection in one individual insuring his life in ever so many other life insurance companys so that when death takes place the accumulated amount would devolve upon the beneficiaries. Let us read Clause 5. "No right or interest which any widow may have in her deceased husband's property by way of maintenance....." Let us stop there. Under the ordinary law even if she does not live in the family she gets maintenance. Here what happens is this. A dies leaving a young Hindu widow. She is entitled to maintenance from her late husband's property separate or ancestral. Suppose she enters into marriage relation with another man. She has got the resources of her new husband as well as the properties of the old husband. Suppose she goes on at this rate (*Laughter*). There is nothing disabling her from doing so. In a way it revolutionizes the Hindu Law governing Hindu families. Even though she is living with her new husband she is entitled to claim maintenance from her late husband's family. In all systems of law a wife is entitled to be maintained by the husband with whom she is living. A change like the one sought to be introduced by this Bill, I submit, is highly objectionable. When a widow is remarried I can understand that the property vested in her should not be divested. But the right for maintenance is a very different thing and should not be allowed. We should not attempt to so revolutionize the Hindu law as to make this suggestion unacceptable to the majority of the Hindus. Of course if it relates to past maintenance then there can be no dispute.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Nair widow is not entitled to the property of her deceased husband?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It is by way of inheritance that she gets a share.

Therefore this Clause might require a considerable alteration.

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In regard to other Clauses there cannot be much objection. As has been stated here this Bill is introduced by a member belonging to a community not affected by the provisions relating to widow marriage and probably it may be the reason why the member has not been able to forecast the serious objections with regard to a provision like this. As I submitted, as regards Clauses 1 and 2 there cannot be any objection. If radical changes are not made with regard to Clauses 4 to 6, I fear this Bill will meet with serious objection. With these words I support the principle of the Bill.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): I do not wish to be behind other non-official members of this House in giving my support to the principle underlying this Bill. (*Hear, hear*). The question, to my mind, is one which has to be examined not from the point of view of the men affected, but from the point of view of the women affected, (*Hear, hear*) and it appears to me that the lady member who has brought this Bill before this House must have done so, after carefully considering their views to which she has presumably better access than others. The miserable condition of some widows under existing arrangements is one that calls for sympathy and succour. That attitude of mind must have actuated her to bring a Bill like this before this House. Sir, no doubt we must expect a certain amount of opposition from certain quarters. But if the opinion of the women for whose amelioration this Bill is brought is ascertained I doubt very much whether they would oppose it.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the All India Women's Conference has not passed resolutions supporting this?

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Yes, that is why I said so. Educated women throughout India are advocating this measure in no uncertain voice.

As regard the details, there is very great force in the observations made by Mr. Puthupalli Krishna Pillai that Clauses 4 and 6 will have to be very carefully considered at the Select Committee stage. Of course, I can speak a great deal in support of the principle from many whereabouts, but it is not necessary as there is practically no opposition. With these words I strongly support the principle of the Bill.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I am in favour of this piece of legislation for the benefit of men as well as of women. Mr. S. Paramesvara Aiyar asked us to look at this question from a woman's point of view. But man's cause is woman's also. I am glad to find that there is little or nothing in the way of opposition for a legislation of this character. If we had been living before Ram Mohan Roys' time and that of others of his school some opposition might have been natural. So far as I have been able to see there is a great necessity for a Bill like this. I wanted to speak Sir, a little earlier, but I was waiting to see what the trend of opinion is, not because I was unwilling to express my own views but because I thought by listening to others I could get a clearer view of the issue before the House. Two points were suggested by Mr. Puthupalli Krishna Pillai and I agree with him.

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[Sadasya Tilaka T. K. Velu Pillai.]

The question of consummation, when it is raised to the pedestal of an issue in a court of law, will have very grave consequences. I wish that may be let alone. And with regard to the proofs required, that will necessitate examinations of a very inconvenient character. The second point is with regard to the estate of the widow. That is an even more important aspect. A man leaves his property to his wife and children. He does so impelled by the urge of love as well as by the urge of a sacred duty. A man leaves his name to his family to be continued as long as that family exists in this world. According to the Hindu Law the duty of a wife to a husband is not entirely devoid of a religious or social character. It is not merely a legal status. So that, though we are living in times when "*sradha*" is looked down upon, still, we find that was the basis according to which devolution of property was regulated in India. If A succeeds to the property of B there is some assurance that certain ceremonies and religious duties imposed by the Law and Custom should be complied with by A. Suppose a husband dies leaving his properties by will to his wife. The House ought to consider the question whether the deceased entertained the idea that his wife would take another husband and help that husband with the money that he has left her.

MR K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know how we can ascertain these expectations?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum—Urban*): That is a very easy question to answer. Ordinarily a person who belongs to a decent society can be subject to only certain conceptions which the society holds except in cases of certain ill-educated and indecent individuals. If for the reason B lives with A and if in deference to love and other marital relationships the property goes to her she might be permitted to carry out those acts. All that I mean in this connection, is that the question needs examination. With these observations on these two points I support the principle of the Bill.

MR. K. PADMANABHAN (*Chirayinkil I*): Sir, I am in perfect agreement with the principle of the Bill. The honourable members who preceded me said that this is a very necessary piece of legislation. The arguments of the only dissentient member have been met by my predecessors. Sir, I am particularly glad to hear Mr. Parameswara Aiyar, who is the only non-official Brahmin now present.....(No. No.)

PRESIDENT: Order. Order.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): May I know why the honourable member is particular about me?

MR. K. PADMANABHAN (*Chirayinkil I*): Out of consideration Sir.

MR. S. J. NAIR (*Nedumangad*): May I remind the honourable member that there is another Brahmin non-official member, Mr. Sambasiva Aiyar.

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MR. K. PADMANABHAN (*Chirayinkil I*): He is not present. Sir, to continue what I was saying, the question of a widow's life estate after her remarriage is an interesting one. Certain honourable members who preceded me hold that the provisions relating to the conditions of the life estate after the remarriage are not quite acceptable Well, that is a matter which requires a careful consideration in all its aspects. Sir, this piece of legislation in my humble view is a boon particularly to that class of widows who have not yet attained puberty. In all communities where there is a ban against remarriages, I believe marriage takes place before the attainment of puberty. So much so, among this class of widows we find a good many who have not attained puberty. In the case of such young girls just to give them an opportunity of knowing what exactly a married life is, this Bill is really a boon. In that respect I must say that this Bill goes a long way in improving the morale of the women folk. Sir, with these observations, I heartily support the principle of the Bill.

(At this stage the President left the Hall and the Deputy President occupied the Chair.)

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli I*): Sir, I rise to support the principle of the Bill. There is no doubt that the provisions contained in the Bill are of a healthy nature and are calculated to improve and develop the condition of Hindu widows in the State. Though it is not conducive to any advantage of those communities which recognise remarriages it is of immense benefit to those communities which forbid remarriages by custom or religion. Of course, I may candidly confess that my community along with that of the mover of the Bill is not in any way benefited by the Bill. I am proud to state that my community has been enjoying this privilege from time immemorial. Of course so far as this Bill is concerned, there can be no serious opposition from any quarter.

MR. S. J. NAIR (*Nedumangad*): May I know which is the honourable member's community?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): The same as that of the honourable member himself. Sir, if there can be any opposition at all it can only be from Brahmin and other Panchi Sudras.

Sir, this is a very healthy measure and as such it will do much good to the communities which are forbidden to conduct remarriages. I know several instances in which young Hindu girls have lost their husbands. I know there are even child widows in the State. To think that these young girls will indeed be relieved of their suffering, is really joyful and it will be a great boon to them. I must say if this Bill is passed into law it will be a great asset to the statute book of Travancore. With these words I support the Bill.

DEPUTY PRESIDENT: The House will now adjourn and meet again at 2 o'clock.

The House adjourned at 1 P. M., and met again at 2 P. M., with the Deputy President in the Chair.

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MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): സർ, ഈ ബില്ല് നിയമമാക്കുന്നതുനിമത്തം മലയാളബ്രാഹ്മണരുടെയിടയിൽ വൈദികമായും സ്വത്തവകാശക്രമപരമായും വളരെ മാറ്റങ്ങൾ വരുവാനിടയുണ്ടെന്നാണ് എന്റെ ബോദ്ധ്യം. ഉദകപൂർവ്വം എന്ന ഒരു വൈദികകർമ്മം കൊണ്ടാണ് ഒരു മലയാള ബ്രാഹ്മണകന്യകയെ ഭാര്യയായി മറ്റൊരു കുടുംബത്തിലെ അംഗവും അവകാശിയുമാക്കി തീർക്കുന്നത്. ഇങ്ങനെ ഉദകപൂർവ്വം ചെയ്യുന്നയാളാണ് ആ കന്യകയുടെ രക്ഷകർത്താവെന്നാണ് ശാസ്ത്രവിധി. ഒരു കന്യകക്ക് ഉദകപൂർവ്വം ചെയ്തുകൊടുക്കേണ്ടതു് അച്ഛനാണ് അച്ഛന്റെ അഭാവത്തിൽ ആ സ്ഥാനം ശാസ്ത്രസിദ്ധാന്തപ്രകാരം നടത്തിവരികയാണ്. ഉദകപൂർവ്വം കഴിഞ്ഞതിനുശേഷം ആ സ്ത്രീക്ക് ജനിച്ച കുടുംബത്തിലെ സ്വത്തിനുമായോ തൊരു അവകാശവും സിദ്ധിക്കുന്നതല്ല. ഇങ്ങനെയിരിക്കേ ഒരു വിധവയെ രണ്ടാംപ്രാവശ്യം വിവാഹം ചെയ്തുകൊടുക്കണമെങ്കിൽ ഉദകപൂർവ്വം നടത്താൻ ഒരാൾ ഉണ്ടായേണ്ടിയിരിക്കുന്നു. വിധവാ വിവാഹം നടപ്പാക്കുന്ന എങ്കിൽതന്നെയും ദൈവീകം, വൈദീകം, പൈതൃകം, നിത്യം, നൈമത്തികം ആദിയായ കർമ്മങ്ങൾ നടത്തുന്നതിനുള്ള പ്രതികൾ അതനുസരിച്ച് പ്രവർത്തിക്കാതെ നിവൃത്തിയില്ലെന്നവരും. ആചാരസംബന്ധമായി അങ്ങിനെയൊരു പരിഷ്കാരം വരുത്തേണ്ടയാവശ്യം ഇപ്പോൾ വന്നിട്ടില്ല.

മലബാറിലും തിരുവിതാംകൂറിലും മലയാളബ്രാഹ്മണരുടെയിടയിൽ ആ വിധത്തിൽ നടന്ന രണ്ടു വിവാഹങ്ങളെ സംബന്ധിച്ചു സിവിൽ കേസുകൾ ഉണ്ടാവിച്ചതായിട്ടും, ആ ദമ്പതികൾതന്നെ വളരെ കഷ്ടസ്ഥിതിയിൽ കഴിഞ്ഞുകൂടുന്നതായിട്ടും എനിക്ക് മനസ്സിലാക്കാൻ കഴിഞ്ഞിട്ടുണ്ട്. ഈ കാര്യത്തിൽ സാമുദായികമായും നടപ്പുസംബന്ധിച്ചും എനിക്ക് പലതും ഇവിടെ പ്രതിപാദിക്കാനുണ്ട്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ ബില്ലിനെ അനുകൂലിക്കുന്നോ പ്രതികൂലിക്കുന്നോ?

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): രണ്ടഭിപ്രായവും എനിക്കിപ്പോൾ പറയുവാൻ നിവൃത്തിയില്ല.

MR. A. THANU PILLAI (*Trivandrum Rural*): നമ്പൂതിരി സമുദായത്തിനു ഈ നിയമം ഹിതമാണോ?

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): അല്ലെന്നാണ് എന്റെ അറിവ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): മലബാറിലെ നമ്പൂതിരിമാർ ബ്രിട്ടീഷിലുള്ള വട്ടങ്ങൾക്കാണ് കീഴ്പ്പെട്ടുനടക്കുന്നതെന്നറിയാമോ?

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MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): അല്ലെന്നാണ് എന്റെ അറിവ്.

ഈ ബില്ലിന്റെ തത്വം അംഗീകരിക്കുകയാണെങ്കിൽ ഇതിലേയ്ക്ക് രൂപീകരിക്കുന്ന സെലക്ട് കമ്മിറ്റി പല സ്ഥലങ്ങളിലും ചുറ്റി സഞ്ചരിച്ച് ഈ നിയമം ബാധിക്കുന്ന ആളുകളുടെ അഭിപ്രായം അറിഞ്ഞുവേണം ഇതു നിയമമാക്കാൻ.

MR. A. THANU PILLAI (*Trivandrum—Rural*): നംപൂതിരി യോഗക്ഷേമ സഭയുടെ അഭിപ്രായം എന്താണ്?

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): യോഗക്ഷേമ സഭയിൽ ഏതാനും ചിലർമാത്രം ചേന്ന് വിധവാ വിവാഹം വേണമെന്ന് ഒരു നിശ്ചയം പാസ്സാക്കിയിട്ടുണ്ട്. അതോടുകൂടി വിലയും നിലയുമുള്ള പലരും യോഗക്ഷേമ സഭയിൽനിന്നും പിൻമാറിയിട്ടുള്ളതായി അറിയാം. തൽക്കാലം ഇത്രയുംമാത്രം പ്രതിപാദിച്ചുകൊണ്ട് വിരമിച്ചുകൊള്ളുന്നു.

MR. K. M. KRISHNAN (*Ambalapuzha I*): സർ, ഈ ബില്ലിന്റെ തത്വത്തോട് ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഹിന്ദുമതത്തിലുൾപ്പെട്ട ഏതാനും ചില സമുദായക്കാർക്ക് വിധവാ വിവാഹത്തിനു നിയമപ്രാബല്യം സിദ്ധിക്കാത്തതു നിമിത്തം വളരെ അനാശാസ്യമായ നടപടികൾക്കിടവരുന്നുണ്ട്. അതിനാൽ അതിനു നിയമപ്രാബല്യമുണ്ടാക്കികൊടുക്കേണ്ട കാലം അതിക്രമിച്ചിരിക്കുന്നു. ഇപ്പോൾ ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന ബിൽ ഇതിലേക്കു എത്രയും പര്യാപ്തമായിത്തീരുമെന്നാണ് എന്റെ അഭിപ്രായം. പ്രായപൂർത്തിയായതിനു ശേഷമേ വിവാഹം നടത്തുവാൻ പാടൊള്ളൂ എന്നു നിർബന്ധമുള്ള ചില സമുദായക്കാർ ഹിന്ദുസമുദായത്തിലുണ്ട്. പ്രായപൂർത്തിയാകുന്ന കാലം പതിനാറോ പതിനേഴോ വയസ്സുകഴിയുമ്പോൾ ആയിരിക്കും. ഇത്ര പ്രായപൂർത്തിയുണ്ടാകുന്നതിനു മുമ്പാണ് ഇങ്ങനെയുള്ള വിവാഹം നടക്കുന്നത്.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*) നംപൂതിരിസമുദായത്തിൽ അങ്ങിനെ ഒരു നിർബന്ധമില്ലെന്നു മെമ്പർക്കറിയാമോ?

MR. K. M. KRISHNAN (*Ambalapuzha I*): അറിയാം.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade*): നംപൂതിരിസമുദായത്തിൽ പ്രായപൂർത്തിയാകുന്നതിനു മുമ്പു വിവാഹം പാടില്ലെന്നു നിർബന്ധമില്ലെന്നറിയാമോ?

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MR. K. M. KRISHNAN (*Ambalapuzha I*) : അതും അറിയാം.

ഇപ്പോഴത്തെ വിധവാവിവാഹത്തിനു നിയമ പ്രാബല്യമില്ലാത്തതു കൊണ്ടു് ബാല്യം മുതല്ക്കേ വിധവകളായി കഴിഞ്ഞുകൂടേണ്ടിവരുന്ന അനേകം സ്ത്രീകൾ ഉണ്ടു് എന്നുള്ള സംഗതിയും വിസ്മരിക്കുന്നതല്ല. ഭാര്യ മരിച്ചുപോയാൽ ഭർത്താവിനു പുനർവിവാഹം ചെയ്യാൻ അവകാശമുണ്ടു. എന്നാൽ അയാൾ ഇതുവരെയും മുമ്പുള്ള ഒരു കന്യകയെത്തന്നെ വേണമെന്നു വച്ചിരിക്കുന്നതുകൊണ്ടു് നാല്പതോ അൻപതോ വയസ്സു പ്രായമായ ഒരു പുരുഷൻ പത്തോ പന്ത്രണ്ടോ വയസ്സുള്ള ഒരു പെണ്കുട്ടിയെ വിവാഹം ചെയ്യേണ്ടിവരുന്നു. മരണം ഒഴിച്ചുകൂടാൻ പാടില്ലാത്ത ഒന്നാണല്ലോ. അൻപതോ അൻപത്തിയഞ്ചോ വയസ്സിൽ വിവാഹം ചെയ്യുന്ന പുരുഷൻ ഒരുപക്ഷെ ഉടൻതന്നെ മരിച്ചുപോയി എന്നു വരാം. അങ്ങിനെ വരുമ്പോൾ അയാളുടെ വിധവയായ പത്തോ പന്ത്രണ്ടോ വയസ്സുള്ള പെൺകുട്ടിക്കു ഇന്നത്തെ നടപ്പനുസരിച്ചു വിവാഹം ചെയ്യുവാൻ നിവൃത്തിയായിട്ടില്ല. ഇങ്ങനെയുള്ള സംഗതികളുടെ പരിഹാരത്തിനു ഈ ബിൽ പര്യാപ്തമായി തീരുന്നതാണു്.

ഇതിനും പുറമെ സാന്മാർഗികപരമായ ഒരു വശംകൂടി ഈ ബില്ലിനുണ്ടു്. വൈധവ്യം വന്നശേഷം സ്വാഭാവദൂഷ്യം കൊണ്ടോ മറ്റോ പുരുഷസംസർഗ്ഗമുണ്ടായി കുടുംബത്തിനും സ്വസമുദായത്തിനും മാലിന്യം വരുത്താൻ ഇടയുണ്ടു്. ഈ ബില്ലു നിയമമായാൽ അങ്ങിനെയുള്ള മാലിന്യം കുടുംബത്തിനും സമുദായത്തിനും നീങ്ങുന്നതാണു. അതിനാൽ ഈ നിയമം എത്രയും വേഗത്തിൽ നടപ്പിലാക്കി വിധവാവിവാഹം അനുവദിച്ചിട്ടില്ലാത്ത സമുദായങ്ങളുടെ അവശതകളെ പരിഹരിക്കണമെന്നാണു് എന്റെ അപേക്ഷ.

MR. A. THANU PILLAI (*Trivandrum—Rural*) Sir, I also support the principle of this Bill. I thought there will be no voice against it until I heard Mr. Bnattatiripad who told us that the Nambootiris are against such a measure. I am not sure how far the opinion of any particular community has been ascertained in respect of this proposal. But, Sir, it may be taken generally that there may not be any serious opposition to legislation allowing widows to re-marry. If there is any considerable volume of opinion against widow re-marriage in any particular community, such as the Nambootiris, I think provision ought to be made exempting such community.

I then wish to refer to Clause 5. I think that it does not appear to be such a simple matter as it is taken up by some of my friends. It has been suggested that there is absolutely no harm in allowing a widow to enjoy all the rights of her deceased husband's property, even after her remarriage. My friend Mr. Puthupalli Krishna Pillai took the view that in the case of the right of maintenance there is some

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difficulty and that it should not be allowed. I want to ascertain particularly the views of such communities as are going to be affected and I was able to get the information of only one of them definitely, I mean my friend Mr. Chidambaram Pillai. He took the view that a widow may be given full right over her husband's property. We are not pushing this legislation to that extent. So far as this is concerned, the question at present is whether in the case of a widow who remarries, her limited estate should be allowed to continue to be vested in her or not.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : She should continue to enjoy it.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : That is exactly my difficulty. I do not admit one way or other. Mr. Paramesvara Aiyar was not prepared to say anything. He said that the matter requires consideration.

In the case of a widow who remarries and who is in possession of a limited estate, if the property is vested in her absolutely without any reversion or right for any other, there will be no difficulty. But in the case of widow's estate that is not in her possession there is some difficulty.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*) : We must say whether the estate will continue or whether the rights will divert. That is the provision that we ought to make.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : What difficulty is then in the widow continuing possession of the estate ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Suppose a widow is in possession of a limited estate. She is burdened with family obligations. There might be minor daughters who should be given in marriage. She re-marries and now she is under the control of a person who probably may be one who is disinterested in the affairs of the family. The young daughter should be given in marriage. The expenditure has to be got from estates which are now in the possession of a stranger. Now what guarantee is there that the affairs of the marriage will be properly conducted. It is a practical difficulty which we should not lose sight of, even when we are looking theoretically at this question. Is it right that the responsibility of the family should be vested with one who is under the control of some stranger ? Now there are difficulties of this kind.

Other difficulties also crop up. It is said that it was not advisable to allow the widow to enjoy the belongings of her husband. I do not go so far. If these women have been serving their husband's will they may enjoy his assets after his death. I do not quarrel with that. How can she be in possession of an estate when her husband is changed ? The matter has to be gone into by the Select Committee. They have to take evidence.

We ought to ascertain the views of the members of the community ; the leading men of the community have to be examined. We would be acting in the dark if we omit to do that. Therefore, if the Bill is referred to a Select Committee, the Committee should take evidence of the communities concerned.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Does the member think that this Bill, if passed into law, will affect the Malabar Brahmin community ?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : As it is, I do not see why it should not.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : In that case, what would happen to the remarried widows of that community who, under the existing law, become members of the tarwad of the husband?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : There is that difficulty also. As I said, there is that difficulty in the case of the Tamil Brahmins also : perhaps the difficulty is greater in the case of the Malayali Brahmins. If the Nambootiris, for instance, do not want this Bill to apply to them, I would even suggest that we ought to exclude them. We ought not to legislate where there is absolutely no demand, although the legislation that we have in view may be equitable and fair on abstract principles.

DEPUTY PRESIDENT : A large number of members have spoken in support of the Bill. I wish to give a chance to those who desire to oppose it.

MR. N. E. VARUGHESE (*Tiruvalla I*) : As a member of the Christian Community, may I speak on this Bill, Sir ?

DEPUTY PRESIDENT : Mr. Varughese has the right.

Whether particular members oppose or support the principle of the Bill is a matter in which I am indifferent. I merely want to give an opportunity to members who want to oppose the principle of the Bill.

Mr. Varughese may now speak.

MR. N. E. VARUGHESE (*Tiruvalla I*) : As a member of the Christian community, I have great pleasure in supporting the principle of the Bill. We can more or less imagine the position of a young widow who is not permitted to remarry although she may have the desire. I am not in a position to trace the origin of the custom prohibiting the remarriage of widows. It may be very remote. The present custom may have the sanction of ages. Still, according to the opinion now current throughout the world, at any rate throughout India, one can gauge that there is a strong conjoint opinion on the part of the educated section of the affected community towards the total removal of this prohibition of widow remarriage. As such, I have great pleasure in welcoming this Bill.

As suggested by Mr. Thanu Pillai, Clause 5 of the Bill requires a thorough examination. I am sure, that Clause will provoke severe criticism. As a member of the Christian community, I am against that provision. The moment a widow remarries, she ceases to have any connection whatever with the family of her deceased husband As such it is nothing but right to divest her of all interest in her former husband's family the moment she remarries. The provision therefore requires careful consideration. We can do justice to the Clause only after obtaining the evidence of those interested. With these observations I support the principle of the Bill.

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MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I support the principle of the Bill in so far as it seeks to remove the legal obstacle in the way of the remarriage of widows, and also seeks to legitimise the children born of such remarriages.

Sir, this Bill is supposed to be drafted on the lines of the British Indian Act, XV of 1856. Although it closely follows that Act, it has made a violent departure in one respect, namely, in the matter of the widow's right of maintenance from the deceased husband's estate and her rights over such estate. Under the British Indian Act, whatever right she might have acquired over the estate of her deceased husband she is divested of, immediately after remarriage. Sir, this provision must have been put in the British Indian Act for very good reasons. Therefore, we must think twice before we deviate from it. Sir, the provision in the present Bill, that the remarriage of a widow shall not divest her of her rights over her former husband's estate, is a very undesirable provision and may probably lead to disastrous consequences. It may even be an incentive to the commission of serious crimes, such as murder. It will encourage a tendency in the widow to accumulate wealth by unfair and unscrupulous means. It will promote a tendency in her to be unscrupulous in that matter. I leave it here to the imagination of the honourable members of this House to picture to themselves what the state of affairs would be if this provision in the Bill is passed as it is. It is sure to develop a very unwholesome tendency in the widow to the serious detriment of the society.

In this connection, it would be relevant, Sir, to refer to the British Indian Act. Under Section 7 of that Act, if the remarrying widow happens to be a minor, she has to obtain the consent of her deceased husband's father or paternal grandfather or brother before she remarries. The House will note that it is the consent of her deceased husband's relations, and not the consent of her own father or grandfather, that has to be obtained before she remarries Sir, this provision is closely connected with the provision which lays down that, on her remarrying, she would be divested of all her rights over the estate of her former husband.

Sir, in the present Bill, it is provided that a minor widow who seeks to remarry should obtain the consent of her own father or grandfather. This is a very significant deviation from the British Indian Act. I would suggest that, if we provide that the widow shall not be divested of her rights over her deceased husband's estate if she remarries, we should make it a condition that, if she is a minor, she should obtain the consent of the senior male member of the family of her deceased husband.

Sir, the British Indian enactment has been intended to apply to a very large section of the population in British India, whereas this Bill is going to affect only a very small section of the public here. Therefore, we shall be acting very safely if we follow the British Indian Act in every respect. That Act has been in force there for nearly 80 years

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[Mr. S. Chattanatha Karayalar.]

still the necessity has not been felt so far to amend it in any respect. It is therefore desirable that we follow it, without making any change in it.

Sir, Mr. Thanu Pillai, while speaking on the Bill referred to certain other aspects of the widow's estate, namely, that it might be subject to obligations which she could not be compelled to discharge under the provisions of this Bill. He has dealt with it at sufficient length, and I do not want to dilate upon it except to say that the provision in the Bill will lead to complications in the enforcement of the obligations.

Sir, if this Bill is referred to a Select Committee, the provision regarding the devolution of property will have to be considered very carefully. The opinion of the communities concerned will have to be ascertained. The provision should be recast, if necessary, on the lines of such opinion. With these observations, I support the principle of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in this measure as in all social legislation Government will take an attitude of neutrality unless in some future stage of this Bill they are called upon to intervene.

MR. A. THANU PILLAI (*Trivandrum Rural*): Why not the Government make up their mind definitely even now?

DEPUTY PRESIDENT: I do not think that it is legitimate on the part of the non-official members to ask Government to make up their mind sooner than they can do. This is a matter in which they can act according to their own discretion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to speak more for the puopose of explaining to the House certain implications of the Bill which the House must bear in mind when they divide on this measure. The fundamental principles of the Bill, namely, the withdrawing of obstacles in the way of the marriage of widows is what is covered by the corresponding act in British India. On this point it must be remembered that the proposed legislation is to apply to those who follow the Hindu Law. Those who follow the Hindu Law, namely, the Tamil Brahmins and the Tamil non-Brahmins, form part of a larger society in South India who follow a similar law there. They have also marital intercourse with those in Travancore. If a law to carry out this principle is in operation in British India the House may very well take the view that there is no reason why a similar law should not operate on those who are here and who form but a part of the larger society residing in British India.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I ask why for eighty years the Government of Travancore kept silent over this question?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Thanu Pillai will perhaps answer that question.

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What I want to say is that when this House divides on this motion they must not forget that they are trying to provide a legislation which is similar to the one in operation in British India for the past eighty years.

Sir, the Nambootiris will perhaps have to be kept apart. It is a serious matter whether the Nambootiris should or should not be brought within the scope of this Bill. Mr. Bhattathiripad told us that some attempt is being made in British India to apply this law to the Nambootiris. It is perhaps a moot point whether they are governed by Hindu Law as modified by the Marumakathayam system or by the Marumaka thayam law as modified by the Hindu system. Anyhow I think I will be quite right in saying that they do not form part of the large Brahmin community which occupies Travancore and the adjoining British Districts. Further, recently we enacted a law for Nambootiris covering their social rights and we did not think of including this provision in that law. A view may perhaps be taken that to provide them with this law would in any event be a premature step. However, the question of the applicability of this Bill to the Nambootiris is an important point and the committee must consider it carefully. Now I come to the provisions in Clauses 4 and 5 of the Bill. The precise provisions of these Clauses need not weigh with the House very much in accepting or rejecting the fundamental principle of the Bill. Ordinarily when a Hindu woman is married she goes into the guardianship of her husband. If she marries after the death of her husband she will go into the guardianship of her next husband. If we postulate that a widow shall not remarry without the consent of her guardian she must necessarily marry with the consent of her husband's relations. Perhaps that condition will never be fulfilled. I think that, that was perhaps in the mind of Srimati Narayani Amma when she framed Clause 4. Even though a married woman is under the *legal* guardianship of her husband, she is under the natural guardianship of her father and mother until the consumation of the marriage. Therefore, perhaps, Srimati Narayani Amma has provided for the consent of the father and mother. Marriage should be perfectly valid even though the *legal* guardian has not consented to it, that, I think, is the idea underlying that Clause.

In Clause 5 certain changes are proposed which certainly jar with the notions of Hindu Law. Students of Hindu Law cannot conceive that those who go out of the deceased husband's family can still retain any right in that family, particularly the right to be maintained out of that family. According to Hindu Law conception the marriage of a Hindu woman means that she merges in the family of the husband. How can she be conceived of as going into another family and yet retaining rights in the first husband's family ? That certainly is an anomaly having regard to Hindu Law conceptions. But this Bill is proposed with a view to social justice. If the principle of a widow marrying again is accepted, then, a view may be taken that it will be in consonance with justice that whatever right she has in her first husband's family will go with her. A different view also may be taken. I may perhaps make a sporting remark, in reply to Mr. S. J. Nair's remark: why not she take with her this right to maintenance from

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[Mr. Kayalam Parameswaran Pillai.]

the first husband's family so that she may readily find a new husband who need only go and live with her. (*Laughter.*) I quite grant that some of the principles underlying the Bill are revolutionary. But the most revolutionary conception is the conception of a Hindu widow marrying again. If you can reconcile yourselves with that, there is nothing else which it is difficult to reconcile with. There is nothing in this Bill which is more revolutionary than the idea of a widow marrying again. The removal of legal obstacles to a second marriage will, I am sure be acceptable to the House generally. But the inclusion of Nambootiris within the purview of the Bill will of course require considerable thought. I am sure that a Select Committee will look into all aspects very carefully.

MR. T. T. KESAVAN SASTRI (*Nominated*): സർ, ഈ ബില്ലിന്റെ തത്വത്തെ ഞാനും അനുകൂലിക്കുന്നു. കാലാനുസൃതമായ ഈ നിയമത്തെ അനുകൂലിക്കാത്തവർ അധികമുണ്ടാകുമെന്നു തോന്നുന്നില്ല. ഈ ബില്ലിന്റെ സ്വീകരണത്തിൽ പ്രത്യേകം അഭിനന്ദനം രേഖപ്പെടുത്തേണ്ടിയിരിക്കുന്നു. വിധവാ വിവാഹനിരോധനം ഒരു നിയമത്താൽ ഉണ്ടായിട്ടുള്ളതാണോ എന്നറിയുന്നില്ല. എന്തായാലും ഹിന്ദുമത വിഭാഗങ്ങളായ ഏതാനും സമുദായങ്ങളും പാരമ്പര്യമായി ഈ ആചാരത്തെ ഇന്നും അംഗീകരിച്ചുവരികയാണ്. ഈ നയത്തിൽ അസുഖവും അസംതൃപ്തിയും എതിരഭിപ്രായവുമുള്ളവർ ധാരാളമുണ്ട്. കാലഗതിക്ക് അനുയോജ്യമല്ലാത്തതിനാൽ വിധവാവിവാഹനിരോധനത്തെ നിയമത്താൽ നിയന്ത്രിക്കുവാൻ പരിഷ്കർത്താക്കളും ഗവണ്മെൻറുകളും മുൻനിന്ന് വേണ്ടതുചെയ്യുന്നുമുണ്ടല്ലോ. വിധവാവിവാഹനിരോധനത്തെക്കുറിച്ചു വിശാലമായി ചിന്തിക്കുന്ന യാതൊരാൾക്കും ഈ ആചാരത്തിന്റെ അനാശാസ്യതയെക്കുറിച്ചറിയുവാൻ സാധിക്കുന്നതാണ്. വിധവകളുടെ അകാലദുഃഖവും അതിദയനീയമായ ജീവിതവും ആരായുന്നതായാൽ എത്രയും വേഗത്തിൽ ഈ ബില്ല് അംഗീകരിച്ചു നിയമമാക്കേണ്ട ആവശ്യം ഓരോ മനസാക്ഷിയും മനസ്സിലാക്കുന്നതാണ്. ഇവിടെനടന്ന പ്രസംഗങ്ങൾ ശ്രദ്ധിച്ചതിൽ ബില്ലിന്റെ തത്വത്തെ അംഗീകരിച്ചുകൊണ്ടുണ്ടായിട്ടുള്ളതുമാണല്ലോ. നിയമങ്ങൾ പൊതുജന ക്ഷേമത്തിനാകയാൽ ഈ ബില്ലും ഏറ്റവുമാവശ്യമാണെന്നുള്ളതിനു സംശയമില്ല.

സർ, ഏകദേശം ഇരുപത്തിയഞ്ചുവർഷങ്ങൾക്കു മുൻപ് ഹിന്ദുമതാവലംബികളായിരുന്ന അധഃകൃതർപോലും വിധവാവിവാഹത്തെ നിരോധിച്ചിരുന്നതായി അറിയുവാൻ സാധിച്ചിട്ടുണ്ട്. മതപരമോ സാമൂഹ്യികാചാരപരമോ ആയി നിലനിന്നിരുന്ന ഈ രീതി ക്രമേണ അധഃ

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കൃത്രിന്ദുക്കളുടെ ഇടയിൽനിന്ന സമുദായപരിഷ്കാരികൾ കാണുമാ നീക്കിയിട്ടുള്ളതായും അറിയുന്ന വളരെ കാലങ്ങൾക്കുമുൻപ് മുതൽ ഉണ്ടായിരുന്നതും, ന്യൂനപക്ഷക്കാരെങ്കിലും ഹിന്ദുമത വിഭാഗങ്ങളിൽ കുറെ ആളുകളെങ്കിലും സ്വീകരിച്ചു വരുന്നതുമായ വിധവാവിവാഹ നിരോധനാചാരം ഇന്നത്തെ കാലസ്ഥിതിക്ക് ഇനിയും മുമ്പോട്ടു നയിക്കുന്നതു് ഒരു തരത്തിലും ആശാസ്യമല്ലെന്നാണ് എന്റെ അഭിപ്രായം. അനവധി പരിഷ്കാര പ്രവൃത്തികൾക്ക് പുറമെ അപ്രതീക്ഷിതമായി അഭൂതപൂർവ്വമായി അത്യാഹ്ലാദകരമായി സകല ഹിന്ദുക്കൾക്കും ഒരു പോലെ ക്ഷേത്രപ്രവേശനം പോലും ലഭിച്ചിരിക്കുന്ന തിരുവിതാംകൂറിലെ ഒരു ഹിന്ദുവിഭാഗത്തിനും വിധവാവിവാഹ നിരോധനം നിമിത്തം കുറവു് നിലനിറുത്താൻ പാടില്ലെന്നും കൂടി ഞാൻ അഭിപ്രായപ്പെട്ടു കൊള്ളുന്നു തിരുവിതാംകൂറിന്റെ സൽകീർത്തി എല്ലാവിധത്തിലും എങ്ങും ഉൽബുദ്ധമായിട്ടുള്ളതാകുന്നു. ഈ ബില്ലിന്റെ അംഗീകാരത്തിലും അനന്യധികം പ്രചുര പ്രചാരമാകുവാനെ ഇടയുള്ളൂ. വല്ല ഭേദഗതികളും ആവശ്യമെന്നുണ്ടെങ്കിൽ ഇന്നും ഈ ആചാരത്തിനു് വിധേയരായസമുദായാംഗങ്ങളുടെ അഭിപ്രായമറിഞ്ഞു് വേണ്ടതു ചെയ്യാൻ നിയോഗിതമാകുന്ന സെലക്ട് കമ്മറ്റിക്കു സാധിക്കുന്നതാണ്. അതിനാൽ ഏറ്റവും പ്രയോജനപ്രദവും ആവശ്യാവശ്യവുമായ ഈബില്ലിനെ എല്ലാ മെമ്പേഴ്സും അനുകൂലിക്കുകയും ഗവർമ്മെൻറു് അംഗീകരിച്ചു് നിയമമാക്കുകയും ചെയ്യുവാൻ അതീവ താല്പര്യപ്പെട്ടുകൊണ്ടു് ഞാൻ ഇതിനെ ബലമായി അനുശ്രുതിച്ചുകൊള്ളുന്നു.

SRIMATI T. NARAYANI AMMA (*Nominated*): I am glad to find that the principle of the Bill is supported by almost all the honourable members. Sir, it was after consulting various members, both men and women of various communities who will be affected by this Bill, if it is passed into law, that I made myself bold to introduce this measure. Sir, there was not even a single word of opposition. All that they wanted, was to make this a permissive measure. As the Law Member said we are now concerned mainly with the principles of the Bill and if that is accepted, whatever defects that may be found in Clauses 4, 5, or 6 can be rectified during the committee stage. I therefore, again request the House to support the principle of the Bill.

DEPUTY PRESIDENT: The question is that the general principle of the Bill be affirmed.

The general principle of the Bill was affirmed.

The Secretary to the Sri Mulam Assembly then read the title of the Bill:—"The Travancore Hindu Widows' Remarriage Bill."

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SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members :—

Messrs: T. K. Velu Pillai.
Rao Sahib Mahakavi S. Paramesvara Iyer.
Miss. Hepzibah Gnanasikamoney.
P. Chidambaram Pillai.
K. A. Narayana Pillai.
G. Nilakantan.
A. Thanu Pillai.
K. Padmanabhan.
K. Kunjukrishna Pillai.
K. R. Elenkath.
A. Easwara Pillai (Kalkulam II).
N. E. Varughese.
T. T. Kesavan Sastri.
P. C. Narayana Bhattatiripad.
T. P. Velayudhan Pillai.
M. Sivatanu Pillai.
S. Chattanatha Karayalar.
Kayalam Paramesvaran Pillai,
T. Narayani Amma.

MISS. HEPZIBAH GNANASIKAMONI (*Nominated*): I second it.

DEPUTY PRESIDENT: The Committee will report within four months.

THE TRAVANCORE KAMMALA BILL.

MR. G. NILAKANTAN (*Nominated*): Sir, I beg to move that the Travancore Kammala Bill be taken up for consideration. Copies of the Bill have been circulated to the members long ago. The details of the Bill have been dealt with in the statement of Objects and Reasons.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): I second it.

MR. G. NILAKANTAN (*Nominated*): I will now proceed to make a few observations on the details of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Before we proceed, Sir, I wish to make one observation. Certain papers and memorandum and copies of certain speeches have been put on our tables by somebody, by whom we do not know. I wish to know whether it was done by Government or whether any authorised agency has put these bunch of papers. I may also say that these contain highly defamatory statements concerning the member who introduces this Bill and makes vile and unscrupulous allegations against him. I wish to know whether it is right that such things containing unauthorised publications be circulated here.

DEPUTY PRESIDENT: Mr. Kunjukrishna Pillai has raised a point of considerable importance and I asked the Secretary of the Assembly on the matter. He tells me that the Government have not placed those

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